

**BEFORE THE FEDERAL ELECTION COMMISSION**  
**ENFORCEMENT PRIORITY SYSTEM**  
**DISMISSAL REPORT**

**MUR:** 7290

**Respondents:** Claudia Tenney for Congress  
and Lisa Lisker, as treasurer  
(the "Committee")

**Complaint Receipt Date:** October 24, 2017

**Response Date:** December 14, 2017

**EPS Rating:**

**Alleged Statutory**

**52 U.S.C. §§ 30104(a)(1), (2)(B); 30104(b)(4), (5)**

**Regulatory Violations:**

**11 C.F.R. §§ 104.1(a); 104.3((b)(4)**

The Complaint alleges that the Committee did not disclose disbursements to a private security firm in reports filed with the Commission. The Complaint alleges Representative Claudia Tenney stated during a town-hall meeting on September 19, 2017, that the Committee paid a private firm to provide security, but the Committee did not report that disbursement on its 2017 October Quarterly Report.<sup>1</sup> The Committee responds that it was not required to report the disbursements on that report because it did not receive invoices for the services until after the end of the reporting period, which was September 30, 2017.<sup>2</sup> Respondents state, however, that the Committee made the payments for the security services on October 4 and October 19, and will disclose the disbursements on the Committee's 2017 Year-End Report.<sup>3</sup>

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<sup>1</sup> Tenney represents New York's 22nd Congressional District and is a 2018 candidate for the same seat.

<sup>2</sup> The Response states that there were 16 invoices for security at the event, ranging from \$75 to \$350, for a total of \$1,475. One invoice was for \$350, while the others were for \$75 apiece.

<sup>3</sup> The Committee's 2017 Year-End Report itemizes a \$350 payment made to P.I.P.S.I. on October 19 for "Security," which corresponds to an invoice for security services attached to the Response. See Claudia Tenney for Congress 2017 Year-End Report at 71, filed January 31, 2018; Resp, Exhibit A. The Year-End Report does not itemize payment of the fifteen \$75 invoices for security services that were also attached to the Response at "Exhibit B," but does report \$750 in unitemized "Other Disbursements." See 2017 Year-End Report at 4. Assuming all \$750 in "Other Disbursements" were payments to individuals for security, there is still a \$375 difference between the amount the Committee's response indicates it spent on security (\$1,475) and the amounts it reported to the Commission on the Committee's 2017 Year-End Report (\$1,100).

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating and the modest amount at issue, we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.<sup>4</sup> We also recommend that the Commission close the file as to all the Respondents and send the appropriate letters.

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Acting General Counsel

Kathleen M. Guith  
Associate General Counsel

2.21.18  
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<sup>4</sup> *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).